

# **EXHIBIT**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation**

**This Document Relates To:**

**City of Fresno, et al.,**

**Plaintiffs,**

**v.**

**Chevron U.S.A. Inc.**

**Defendants**  
\_\_\_\_\_ x

**MDL No. 1358**

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO  
DEFENDANT  
RE PRODUCT IDENTIFICATION**

**POUNDING PARTY:**

**PLAINTIFF CITY OF FRESNO**

**RESPONDING PARTY:**

**VALERO REFINING COMPANY - CALIFORNIA**

**SET:**

**ONE**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and in accordance with the directive of the Court at the May 11, 2004 status conference, Plaintiffs hereby submits the following First Set of Interrogatories, to be answered separately, in writing, and under oath, by each responding defendant listed on Exhibit A (attached hereto) on or before July 9, 2004. As directed by the Court at the May 11, 2004 status conference, each responding defendant's answers to these Interrogatories should include a description of the specific steps undertaken by the defendant to obtain the information contained in such answers. This First Set of Interrogatories is served without prejudice to Plaintiffs right to seek additional discovery.

DEFINITIONS

A. All definitions contained in Local Rule 26.3 of the United States District Court for the Southern District of New York are incorporated herein by reference.

B. **MTBE** means methyl tertiary butyl ether.

C. **MTBE Product** means any petroleum product containing MTBE. With respect to gasoline containing MTBE, MTBE Product includes any and all of the following: conventional gasoline containing MTBE, winter oxygenate fuel containing MTBE, and/or reformulated gasoline containing MTBE; provided, however, that if any responding defendant claims that it is unable to determine whether any conventional gasoline contained MTBE for purposes of answering these Interrogatories, MTBE Product shall include any and all conventional gasoline.

D. **Refinery** means a facility used to process crude oil, unfinished oils, natural gas liquids, or other hydrocarbons into any petroleum product.

E. **Terminal** means a petroleum product storage and distribution facility that is supplied by pipeline, vessel or other means, and from which such petroleum products may be removed at a rack and/or distributed by pipeline, and includes bulk storage and distribution facilities located at Refineries.

F. **Terminalling Partner** means an entity that leased petroleum product storage or otherwise had the right to store petroleum products in the product storage tanks at a Terminal not owned, operated, or controlled by that entity.

G. **You** means the responding defendant, its subsidiaries and affiliates.

H. **Your** means of or pertaining to the responding defendant, its subsidiaries and affiliates.

INTERROGATORIES

1. Please identify the name and address of each entity (including You, if applicable) that supplied You with MTBE Products for ultimate delivery into Kern County at any time since the date of first MTBE use in Kern County, the dates or date ranges when each such entity supplied You with MTBE Products, and the name and address of each Refinery from which such MTBE Products were supplied.

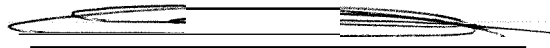
2. Please identify the name and address of each entity from which You obtained neat MTBE for use at any Refinery owned or operated by You that supplied gasoline for ultimate delivery into Kern County, the dates or date ranges when MTBE was acquired from each such supplier, and the name and address of Your Refinery(ies).

3. Please identify each Terminal You use or used to supply gasoline for ultimate delivery into Kern County at any time since the date of first MTBE use in Kern County and the dates or date ranges when You have used such Terminal. For each Terminal You use or used, please also state whether You owned or operated such Terminal or were a Tenninalling Partner at such Terminal.

Dated: Sacramento, California  
August 4, 2004

MILLER, AXLINE & SAWYER

By:



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PROOF OF SERVICE VIA E-MAIL AND US MAIL

I, Christina Hise, hereby declare under penalty of perjury of the law that a true copy of the following:

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT RE  
PRODUCTION IDENTIFICATION  
[VALERO REFINING COMPANY - CALIFORNIA]

as served via e-mail, pursuant to Judge Shira A. Schiendlin's Case Management Order dated April 1, 2004 [Section IV], upon:

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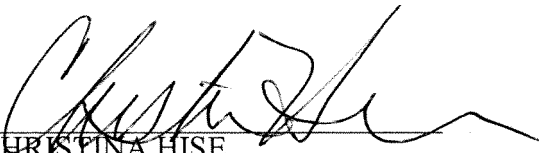
Plaintiffs' Liaison Counsel.

n the 4<sup>th</sup> day of August, 2004, and on the following persons or parties by placing a true copy hereof in a sealed envelope, showing the addresses set forth below, for collection and deposit in the United States Postal Service on that date following ordinary business practices:

See Attached List

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on August 4, 2004, at Sacramento, California.

  
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